

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ADNAN BAHHUR,

Petitioner,

v.

No. 3:19-cv-01817-JR

**SALAZAR, FCI Camp Warden; and
BILBREY, Case Manager,**

OPINION AND ORDER

Respondents.

MOSMAN, J.,

On October 27, 2020, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (F. & R.) [ECF 21]. Judge Russo recommended that I deny the Petition for Writ of Habeas Corpus [ECF 1] and decline to issue a certificate of appealability. Petitioner Adnan Bahhur filed objections as to Judge Russo's findings both on exhaustion and on the merits of the petition. Upon review, I agree with Judge Russo's findings on exhaustion and thus do not reach the merits issue. I DISMISS this case with prejudice.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Russo's findings and recommendation on exhaustion and I ADOPT the F. & R. [ECF 21] as to that issue as my own opinion. I thus find I do not need to reach the merits and decline to adopt the F. & R. as to that issue. I DENY Mr. Bahhur's Petition for Writ of Habeas Corpus [ECF 1] and decline to issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). The case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 21 day of December, 2020.

Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge